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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/714,203

11/14/2003

Michael Seul

AIS-US

2673

36038 7590 06/20/2008

ERIC P. MIRABEL  
35 TECHNOLOGY DRIVE  
SUITE 100  
WARREN, NJ 07059

EXAMINER

TUCKER, WESLEY J

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

06/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/714,203	<b>Applicant(s)</b> SEUL ET AL.	
	<b>Examiner</b> WESLEY TUCKER	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-90 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8, drawn to aligning images with a grid based on finding “shortest paths” using local maximum and minimum intensity levels, classified in class 382, subclass 287.
- II. Claims 9-15, drawn to aligning two or more images by determining the amount they are shifted, classified in class 382, subclass 294.
- III. Claims 16-18, drawn to detecting alignment using color data, top-most, left-most scan lines and rotating the image, classified in class 382, subclasses 165.
- IV. Claims 19-23, drawn to image segmentation using symmetry axes and repeating adjustments, classified in class 382, subclass 289.
- V. Claims 24-28, drawn to generating a decoding map template using clusters, seed locations, scatter plot and histogram, classified in class 382, subclasses 168 and 225.
- VI. Claims 29-33, drawn to auto-centering a microscope and finding a rectangular viewing field, classified in class 382, subclass 293.
- VII. Claims 34-46, drawn to analyzing patient samples using arrays of receptors and ligands to provide assay results, classified in class 424, subclass 144.1.

- VIII. Claims 47-55, drawn to encrypted array of receptors predicted to associate with ligands and oligonucleotides, classified in class 435, subclass 6.
- IX. Claims 56-63, drawn to a data base of encoded beads bound to different receptors, classified in class 506, subclass 16.
- X. Claims 64-73, drawn to a method of ensuring confidentiality of assay results for identifying patient data, classified in class 435, subclass 435/91.1
- XI. Claims 74-81, drawn to a method of blinding a multiplexed assay of ligands, classified in class 506, subclass 16.
- XII. Claims 82-83, drawn to an integer representation of planar array of encoded beads, classified in class 506, subclass 3.
- XIII. Claims 84-89, drawn to encrypting the identity of a type of receptor, among multiple receptor types, classified in class 506, subclass 5.
- XIV. Claim 90, drawn to generating a decoding map of a scatter plot of an array of signals, classified in class 506, subclass 7.

Each of the above identified inventions is drawn to a specific independent invention. Each of the inventions above do not require the specifics of any other invention. Each invention or set of claims is independent in operation and scope of each of the other inventions. Accordingly, each of the separate inventions above requires a separate search and consideration. The separate searches required are an

undue burden on the Office. Applicant is required to elect a single invention to continue examination.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WESLEY TUCKER whose telephone number is (571)272-7427. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wes Tucker/  
Examiner, Art Unit 2624

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